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September 27, 2012

By Federal Express

Carol Ropski
U.S. Environmental Protection Agency
Superfund Division
Enforcement and Compliance Assurance Branch
Enforcement Services Section 1, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: South Dayton Dump and Landfill Site in Moraine, Ohio
Site Spill Identification Number: B52B
General Notice of Potential Liability

Dear Ms. Ropski:

This letter responds to the General Notice Letter ("GNL") date-stamped September 10, 2012, but not mailed until September 18, 2012, addressed to GlaxoSmithKline LLC ("GSK") with respect to the above-referenced site. This firm is counsel to GSK in this matter.

The GNL was not served on Corporation Service Company until September 20, 2012 and not forwarded to GSK until September 21, 2012, a Friday. It was, accordingly, not possible for GSK to attend the September 19, 2012 meeting at Region 5. The GNL did not include any specific information or documentation to support EPA's statement that GSK "may have owned or operated the Site or generated or transported hazardous substances that were disposed of at the Site." It is not possible for GSK to make any reasoned determination, on less than one week notice, whether to agree to perform the response actions described in the GNL.

Moreover, GSK has now received a copy of the deposition transcript of Edward Grillot, said by counsel for Plaintiffs in the newly-filed *Hobart Corporation, et al. v. Coca-Cola Enterprises, Inc., et al.* action to be the sole basis to support EPA's statement. Mr. Grillot has of course not been subject to cross-examination by GSK, nor has GSK had an opportunity to otherwise test Mr. Grillot's testimony. That testimony in any event says nothing more than that Mr. Grillot observed tubes and cans marked "DAP" at the Site on perhaps no more than one occasion and that he has no idea how they ended up there. Any conclusion that DAP, much less GSK, "by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal

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or treatment, of hazardous substances owned or possessed by such person, by any other party or entity ..." is thus sheer speculation. 42 U.S.C. § 9607(a)(3).

GSK must therefore decline EPA's request.

Very truly yours,



Glenn A. Harris

GAH:cdg